

turing, production, distribution, installation, operation, or maintenance of a covered system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

**(b) Authority**

Subject to subsection (c) and in consultation with the Director of National Intelligence, the head of a covered agency may, in conducting intelligence and intelligence-related activities—

(1) carry out a covered procurement action; and

(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

**(c) Determination and notification**

The head of a covered agency may exercise the authority provided in subsection (b) only after—

(1) any appropriate consultation with procurement or other relevant officials of the covered agency;

(2) making a determination in writing, which may be in classified form, that—

(A) use of the authority in subsection (b)(1) is necessary to protect national security by reducing supply chain risk;

(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (b)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information;

(3) notifying the Director of National Intelligence that there is a significant supply chain risk to the covered system concerned, unless the head of the covered agency making the determination is the Director of National Intelligence; and

(4) providing a notice, which may be in classified form, of the determination made under paragraph (2) to the congressional intelligence committees that includes a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

**(d) Delegation**

The head of a covered agency may not delegate the authority provided in subsection (b) or the responsibility to make a determination under subsection (c) to an official below the level of the service acquisition executive for the agency concerned.

**(e) Savings**

The authority under this section is in addition to any other authority under any other provision of law. The authority under this section shall not be construed to alter or effect the exercise of any other provision of law.

**(f) Effective date**

The requirements of this section shall take effect on the date that is 180 days after January 3, 2012, and shall apply to contracts that are awarded on or after such date.

(Pub. L. 112-87, title III, §309, Jan. 3, 2012, 125 Stat. 1883; Pub. L. 116-92, div. E, title LXIII, § 6309, Dec. 20, 2019, 133 Stat. 2190.)

REFERENCES IN TEXT

Section 3542(b) of title 44, referred to in subsec. (a)(5), was repealed by Pub. L. 113-283, §2(a), Dec. 18, 2014, 128 Stat. 3073. See section 3552(b) of Title 44, Public Printing and Documents.

CODIFICATION

Section was formerly set out as a note under section 3329 of this title.

AMENDMENTS

2019—Subsec. (g). Pub. L. 116-92 struck out subsec. (g). Prior to amendment, text read as follows: “The authority provided in this section shall expire on the date that section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 2304 note) expires.”

DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees”, referred to in text, see section 2 of Pub. L. 112-87, set out as a note under section 3003 of this title.

**§ 3334f. Congressional notification of designation of covered intelligence officer as persona non grata**

**(a) Covered intelligence officer defined**

In this section, the term “covered intelligence officer” means—

(1) a United States intelligence officer serving in a post in a foreign country; or

(2) a known or suspected foreign intelligence officer serving in a United States post.

**(b) Requirement for reports**

Not later than 72 hours after a covered intelligence officer is designated as a persona non grata, the Director of National Intelligence, in consultation with the Secretary of State, shall submit to the congressional intelligence committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification of that designation. Each such notification shall include—

(1) the date of the designation;

(2) the basis for the designation; and

(3) a justification for the expulsion.

(Pub. L. 116-92, div. E, title LXVII, § 6719, Dec. 20, 2019, 133 Stat. 2229.)

DEFINITIONS

For definition of “congressional intelligence committees”, referred to in subsec. (b), see section 5003 of div. E of Pub. L. 116-92, set out as a note under section 3003 of this title.

**§ 3334g. Reports on intelligence community loan repayment and related programs**

**(a) Sense of Congress**

It is the sense of Congress that—

(1) there should be established, through the issuing of an Intelligence Community Directive or otherwise, an intelligence-community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, for employees of the intelligence community;

(2) creating such a program would enhance the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions;

(3) such a program, including with respect to eligibility requirements, should be designed so as to maximize the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions; and

(4) to the extent possible, such a program should be uniform throughout the intelligence community and publicly promoted by each element of the intelligence community to both current employees of the element as well as to prospective employees of the element.

**(b) Report on potential intelligence community-wide program**

**(1) In general**

Not later than 180 days after December 20, 2019, the Director of National Intelligence, in cooperation with the heads of the elements of the intelligence community and the heads of any other appropriate department or agency of the Federal Government, shall submit to the congressional intelligence committees a report on potentially establishing and carrying out an intelligence-community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, as described in subsection (a).

**(2) Matters included**

The report under paragraph (1) shall include, at a minimum, the following:

(A) A description of the financial resources that the elements of the intelligence community would require to establish and initially carry out the program specified in paragraph (1).

(B) A description of the practical steps to establish and carry out such a program.

(C) The identification of any legislative action the Director determines necessary to establish and carry out such a program.

**(c) Annual reports on established programs**

**(1) Covered programs defined**

In this subsection, the term “covered programs” means any loan repayment program, loan forgiveness program, financial counseling program, or similar program, established pursuant to title X of the National Security Act of 1947 (50 U.S.C. 3191 et seq.) or any other provision of law that may be administered or used by an element of the intelligence community.

**(2) Annual reports required**

Not less frequently than once each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the covered programs. Each such report shall include, with respect to the period covered by the report, the following:

(A) The number of personnel from each element of the intelligence community who used each covered program.

(B) The total amount of funds each element expended for each such program.

(C) A description of the efforts made by each element to promote each covered program pursuant to both the personnel of the element of the intelligence community and to prospective personnel.

(Pub. L. 116–92, div. E, title LXVII, § 6725, Dec. 20, 2019, 133 Stat. 2234.)

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (c)(1), is act July 26, 1947, ch. 343, 61 Stat. 495. Title X of the Act is classified generally to subchapter VIII (§3191 et seq.) of chapter 44 of this title. For complete classification of this Act to the Code, see Tables.

INTELLIGENCE COMMUNITY STUDENT LOAN REPAYMENT PROGRAMS

Pub. L. 116–260, div. W, title III, §310, Dec. 27, 2020, 134 Stat. 2369, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) student loan repayment programs are a crucial tool in attracting and retaining talented individuals to the intelligence community, particularly individuals from diverse backgrounds;

“(2) generous student loan repayment programs help the intelligence community compete with the private sector for talented employees;

“(3) departments and agencies containing elements of the intelligence community have authority to establish student loan repayment programs either under section 5379 of title 5, United States Code, or under the delegable authority of the Director of National Intelligence under section 102A(n)(1) of the National Security Act of 1947 (50 U.S.C. 3024(n)(1));

“(4) although the Director should use the authority under such section 102A(n)(1) sparingly, and should be exceedingly sparing in delegating such authority to an element of the intelligence community, the Director should approve well-predicated requests for such authority in the student loan repayment context if an element of the intelligence community can articulate an impediment to establishing or enhancing a program under section 5379 of title 5, United States Code; and

“(5) student loan repayment programs established by an element of the intelligence community should provide flexibility to intelligence community employees, including employees who pursue loan-financed education in the middle of their careers or after the day on which they first become intelligence community employees.

“(b) STUDENT LOAN REPAYMENT PROGRAM STANDARDS.—Not later than 180 days after the date of the enactment of this Act [Dec. 27, 2020], the Director of National Intelligence, or a designee of the Director who is an employee of the Office of the Director of National Intelligence, shall establish minimum standards for the repayment of student loans of employees of elements of the intelligence community by such elements of the intelligence community.

“(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the standards established under subsection (b). Such report shall include—

“(1) an explanation of why such minimum standards were established; and

“(2) how such standards advance the goals of—

“(A) attracting and retaining a talented intelligence community workforce;

“(B) competing with private sector companies for talented employees; and

“(C) promoting the development of a diverse workforce.

“(d) FAILURE TO MEET STANDARDS.—Not later than 180 days after the date on which the standards required under subsection (b) are established, the head of an ele-

ment of the intelligence community that does not meet such standards shall submit to the appropriate congressional committees a report containing an explanation for why such element does not meet such standards and an identification of any additional authority or appropriations required to for the element to meet such standards.

“(e) SUBMITTAL OF REGULATIONS AND POLICIES TO CONGRESS.—Not later than 180 days after the date on which the standards required under subsection (b) are established, the head of an element of the intelligence community shall submit to the appropriate congressional committees a copy of all internal regulations and policies governing the student loan repayment program of that element as well as copies of such policies redacted to remove classified information.

“(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Permanent Select Committee on Intelligence of the House of Representatives;

“(2) the Select Committee on Intelligence of the Senate;

“(3) with respect to an element of the intelligence community within the Department of Defense, the Committees on Armed Services of the Senate and House of Representatives;

“(4) with respect to an element of the intelligence community within the Department of Justice, the Committees on the Judiciary of the Senate and House of Representatives;

“(5) with respect to an element of the intelligence community within the Department of Homeland Security, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives;

“(6) with respect to an element of the intelligence community within the Department of State, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives;

“(7) with respect to an element of the intelligence community within the Department of Energy, the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

“(8) with respect to an element of the intelligence community within the Department of the Treasury, the Committee on Finance of the Senate and the Committee on Financial Services of the House of Representatives.

“(g) FORM OF REPORTS.—Each of the reports required under subsections (c) and (d) shall be submitted in unclassified form, but may contain a classified annex.”

[For definition of “intelligence community” as used in section 310 of div. W of Pub. L. 116-260, set out above, see section 2 of div. W of Pub. L. 116-260, set out as a note under section 3003 of this title.]

#### DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees”, referred to in text, see section 5003 of div. E of Pub. L. 116-92, set out as a note under section 3003 of this title.

### § 3334h. Data collection on attrition in intelligence community

#### (a) Standards for data collection

##### (1) In general

Not later than 90 days after December 27, 2020, the Director of National Intelligence shall establish standards for collecting data relating to attrition in the intelligence community workforce across demographics, specialties, and length of service.

##### (2) Inclusion of certain candidates

The Director shall include, in the standards established under paragraph (1), standards for

collecting data from candidates who accepted conditional offers of employment but chose to withdraw from the hiring process before entering into service, including data with respect to the reasons such candidates chose to withdraw.

#### (b) Collection of data

Not later than 120 days after December 27, 2020, each element of the intelligence community shall begin collecting data on workforce and candidate attrition in accordance with the standards established under subsection (a).

#### (c) Annual report

Not later than 1 year after December 27, 2020, and annually thereafter, the Director shall submit to the congressional intelligence committees a report on workforce and candidate attrition in the intelligence community that includes—

(1) the findings of the Director based on the data collected under subsection (b);

(2) recommendations for addressing any issues identified in those findings; and

(3) an assessment of timeliness in processing hiring applications of individuals previously employed by an element of the intelligence community, consistent with the Trusted Workforce 2.0 initiative sponsored by the Security Clearance, Suitability, and Credentialing Performance Accountability Council.

(Pub. L. 116-260, div. W, title III, §306, Dec. 27, 2020, 134 Stat. 2367.)

#### DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees”, referred to in text, see section 2 of div. W of Pub. L. 116-260, set out as a note under section 3003 of this title.

### § 3334i. Seedling investment in next-generation microelectronics in support of artificial intelligence

#### (a) Findings

Congress finds that—

(1) developing faster, more energy efficient, and more resilient computing is important to the future of the national security of the United States and the leadership by the United States in artificial intelligence; and

(2) multidisciplinary teams co-designing microelectronics for artificial intelligence will lead to unprecedented capabilities that will help ensure that the United States maintains its superiority in this worldwide competition for economic and national security.

#### (b) Awards for research and development

The Director of National Intelligence, acting through the Director of the Intelligence Advanced Research Projects Activity, shall award contracts or grants, or enter into transactions other than contracts, to encourage microelectronics research.

#### (c) Use of funds

The Director shall award contracts or grants to, or enter into transactions other than contracts with, entities under subsection (b) to carry out any of the following: